

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

Complainant,

and

Respondent.

EEOC No.: N/A

ALS No.: 10-0100

Judge William J. Borah

On February 4, 2010, Complainant, Blanca A. Pacheco, filed a Complaint against Solution Services System, Inc. The Complaint alleges Respondent discriminated against Complainant based on national origin, El Salvador and disability, hypertension.

This matter comes to be heard on Respondent's motion to dismiss for want of prosecution. On May 5, 2010, Complainant failed to appear at the status hearing as ordered, Respondent appeared. On May 5, 2010, the order entered on the same day was mailed to Complainant that setting a status hearing for May 19, 2010. On May 19, 2010, Complainant failed to appear for the scheduled status hearing. Respondent appeared and was granted leave to file its motion to dismiss. A briefing schedule was set. On May 19, 2010, the order entered on the same day was mailed to Complainant. Complainant's response was due on June 4, 2010. Complainant failed to file a response.

The following facts were derived from the record file in this matter.

- 1

Complainant failed to appear, and Respondent appeared. An order was entered setting a status hearing for May 19, 2010. The order was mailed to Complainant on May 5, 2010, and Respondent filed its certificate of service with the Commission.

3. On May 19, 2010, a status hearing was held. Complainant was absent and Respondent appeared. Respondent was granted leave to file its motion to dismiss and a briefing scheduled was entered. The May 19, 2010, order was mailed to Complainant on May 19, 2010, and Respondent filed its certificate of service with the Commission.

4. By the order of May 19, 2010, Complainant was ordered file her response to Respondent's motion to dismiss on or before June 4, 2010. Complainant failed to comply with the order.

CONCLUSIONS OF LAW

1. Complainant's failure to participate at two scheduled hearings set for May 5, 2010 and May 19, 2010, and her failure to respond to orders entered have unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed with prejudice.

DISCUSSION

Complainant was given notice of the initial hearing date of May 5, 2010, and she failed to appear. On May 19, 2010, Complainant again failed to appear at a scheduled status hearing. Respondent was permitted to file its motion to dismiss and Complainant failed to comply with the ordered briefing schedule. Complainant's inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice. See e.g., Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992.

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the Complaint in this matter and the underlying charge of discrimination be dismissed in their entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
WILLIAM J. BORAH
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: June 11, 2010